

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 8, 2004

IN RE:

**PETITION OF BELL SOUTH
TELECOMMUNICATIONS, INC. FOR EXEMPTION OF
CERTAIN SERVICES.**

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**DOCKET NO.
03-00391**

**ORDER GRANTING PETITION TO INTERVENE
AND ADOPTING PROCEDURAL SCHEDULE**

On June 16, 2003 BellSouth Telecommunications, Inc. ("BellSouth") and Citizens Communications, Inc. filed a *Petition for Exemption of Certain Services* (the "*Petition*") in this docket. In their *Petition* the Petitioners request the exemption from regulation of IntraLATA Toll Service and Primary Rate ISDN Service. A petition to intervene was subsequently filed by AT&T Communications of the South Central States, LLC (AT&T) on June 27, 2003.¹

On August 4, 2003 the voting Panel assigned to this docket voted unanimously to convene a contested case proceeding in this matter and to appoint the Authority's General Counsel or his designee to act as the Hearing Officer in this proceeding to address preliminary matters prior to the hearing, to rule on any petition(s) for intervention, and to set a procedural schedule to completion.

¹ AT&T filed an identical petition to intervene on June 30, 2003.

The Southeastern Competitive Carriers Association (“SECCA”) filed a petition to intervene on September 5, 2003² and Time Warner Telecom of the MidSouth, LLC (“Time Warner”) filed a petition to intervene on September 8, 2003.

On December 11, 2003 the Hearing Officer entered an order granting the petitions to intervene of SECCA and Time Warner and also requesting proposed procedural schedules to be filed on or before December 18, 2003.

BellSouth Telecommunications, Inc.’s Proposal Regarding Procedural Schedule (the “*Proposed Schedule*”) was filed on December 18, 2003. As of the date of this order, no other party has submitted a proposed procedural schedule. In its *Proposed Schedule*, BellSouth suggests a procedure that sequentially addresses the two issues presented by the *Petition*: (1) intraLATA toll service and (2) primary rate ISDN service. BellSouth suggests further in the *Proposed Schedule* that there exists the possibility for a narrowing or elimination of the first issue among the parties.³ It is on this basis that BellSouth proposes a procedure whereby the parties would provide comments regarding the scope of the dispute presented by the first issue and be afforded a period of time to establish a procedural schedule addressing the first issue while deferring procedural issues related to the second issue.

On January 2, 2004 the Consumer Advocate and Protection Division of the Office of the Attorney General filed a petition to intervene.

² SECCA filed a corrected signature page for this petition on September 15, 2003.

³ *Proposed Schedule*, p. 1 (December 18, 2003).

Criteria for Permitting Intervention

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

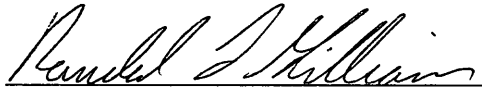
Discussion

Pursuant to the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Hearing Officer grants the Consumer Advocate's petition to intervene on the basis that it was timely filed and served and that, pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), the Consumer Advocate has substantiated that the legal rights, duties, privileges, immunities or other legal interests of the Tennessee consumers of public utilities may be determined in this matter. The Hearing Officer further finds that the orderly and prompt conduct of this proceeding will not be impaired by granting the Consumer Advocate's petition to intervene.

The Hearing Officer finds further that no party except BellSouth has offered a proposed procedural schedule, no party has objected to the procedures proposed by BellSouth, and that BellSouth's proposed procedures, as modified by this order, will not impair the orderly and prompt conduct of this proceeding.

IT IS THEREFORE ORDERED THAT:

1. The Consumer Advocate and Protection Division of the Office of the Attorney General is hereby given leave to intervene and receive copies of any notices, orders or other documents herein.
2. Any initial comments regarding the scope of the procedural process necessary to address BellSouth's request for exemption of intraLATA toll service shall be filed by January 16, 2004. Reply comments shall be filed on or before January 30, 2004.
3. The parties shall have until February 13, 2004 to file joint or separate proposals regarding a procedural schedule regarding BellSouth's request for exemption of intraLATA toll service.


Randal L. Gilliam, Hearing Officer